

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>LASHAWN LORENZA</b>	)	
<b>ANDERSON,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>Case Number: 1:14-cv-00709-CLS-</b>
<b>v.</b>	)	<b>JHE</b>
	)	
<b>JOHN T. RATHMAN,</b>	)	
	)	
<b>Respondent.</b>	)	

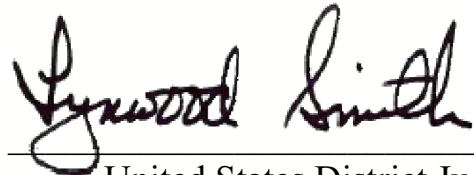
**MEMORANDUM OPINION**

On May 2, 2014, the magistrate judge entered a Report and Recommendation (doc. 6), recommending that the petition for writ of *habeas corpus* be dismissed without prejudice. Petitioner filed his objection on May 29, 2014 (doc. 9). The Court has considered the entire file in this action, together with the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the Court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of this Court. The petition for writ of *habeas corpus* is due to be DISMISSED. A separate Order will be entered.

To the extent 28 U.S.C. § 2253 is made applicable by the Court treating the petition as a motion pursuant to § 2255, the Court finds issuance of a certificate of appealability inappropriate. This Court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. 2253(c)(2). To make such a showing, a “petitioner must demonstrate that reasonable jurist would find the district court’s assessment of the constitutional claims debatable and wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). This Court finds Petitioner’s claims do not satisfy either standard.

DONE this 30th day of May, 2014.

  
United States District Judge